



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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MEMORANDUM

DATE: January 18, 2007

TO: Judges
cc: Court Administrators
County Clerks

FROM: Dawn M. Childress, Management Analyst

RE: Legislative Changes to the Crime Victim's Rights Act

Public Act 461 of 2006, enacted several weeks ago, amends various provisions of the William Van Regenmorter Crime Victim's Rights Act. The changes became effective January 1, 2007.

The most significant amendments to the act establish additional victim notification duties for the courts, Department of Corrections, Department of Human Services, county sheriffs, and prosecuting attorneys. The notification provisions now apply to all criminal cases that are resolved by assignment to trainee (Holmes Youthful Trainee Act-HYTA) status, by a delayed sentence, or deferred judgment of guilt, or in any other way that is not an acquittal or unconditional dismissal. When providing the required notices to victims, the notifying agency may furnish information or records to the victim that would otherwise be closed to public inspection, including HYTA records. (See MCL 780.752a, 780.781a, and 780.811b)

Another new victim notification provision is established in MCL 780.768b, 780.795a, and 780.827b, and covers the early termination of probation orders. When a defendant or juvenile is sentenced to probation and a condition of probation is imposed for the protection of the victim, if a victim requests, the court is required to notify the victim by mail if the probation order is terminated early.

Collections and the priority of payments also have been impacted by the recent legislative changes. MCL 780.766a, 780.794a, and 780.826a now allow a person making a payment to designate that the payment be applied to victim payments. Additionally, if a payment is received as a result of a wage assignment for restitution, or from the Department of Corrections or sheriff for restitution, the court must apply the entire amount received to victim payments until the victim payments are paid in full. Sheriff departments are no longer required to collect restitution

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from those defendants or juveniles sentenced to jail, although if they opt to do so, they are authorized to deduct and retain an additional five percent of the amount over \$50 received by the defendant or juvenile as an administrative fee. [MCL 780.767a, 780.796b, 780.830a] The Michigan Department of Corrections and sheriff must notify both the defendant and the court in writing of all deductions and payments made.

Please feel free to contact Dawn Childress at 517-373-3756 or childressd@courts.mi.gov, Sandi Hartnell at 517-373-0122 or hartnells@courts.mi.gov, or Jennifer Warner at 517-373-7454 or warnerj@courts.mi.gov for assistance.